

**REMARKS**

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested. Entry of this Amendment Under Rule 116 is merited as it raises no new issues and requires no further search and places the claims in better condition for appeal.

**Amended and unamended claims 1-28 and 43 satisfy the written description requirement of 35 USC 112, first paragraph**

The PTO rejection is not understood as there is no explanation as to what portion of the claim language the PTO believes fails to satisfy the written description requirement. Applicants are uncertain whether the PTO is referring to only the “automatically” portion of the claim or additionally the “regardless of a result of said comparing.” With respect to the “automatically” portion, Applicants believe sufficient description to be present, fully, clearly, and concisely, in the present specification to enable a person skilled in the art to make and use the claimed subject matter. For example, reference is made to page 9, lines 1-8 (introducing the Virus Propagation Monitoring System (VPMS) as a layer in a communication stack as a monitoring software and describing the function as monitoring by observing), page 10, line 2 (setting forth that applications send requests to send data via the VPMS), and page 11, lines 24-31 (in discussing each request, the specification states “as it passes through the VPMS” providing further indication of the VPMS not intercepting requests as they pass through the communications stack).

Notwithstanding the foregoing and in order to simplify issues for appeal, the rejection of claims 1-28 and 43 is believed overcome in view of the foregoing amendments and withdrawal of the rejection is respectfully requested.

**Amended and unamended claims 1-6, 8, 9, 14-18, 20, 21, 23, 29-35, 38, and 41-43 are patentable over *Andersen* (US 6,122,740) in view of *Alexander Shipp* (GB 2 367 714)**

The rejection of claims 1-6, 8, 9, 14-18, 20, 21, 23, 29035, 38, and 41-43 under 35 USC 103(a) as being obvious over *Andersen* in view of *Shipp* is hereby traversed.

First, *Andersen* fails to disclose or suggest the claimed “establishing a record which is at least indicative of identities of destination hosts within the network to whom data has been sent by the first host.”

The PTO appears to assert that the access list of *Andersen* corresponds to the claimed feature; however, this is incorrect. *Andersen* fails to disclose that the access list is indicative of hosts “to whom data has been sent by the first host” as claimed. The PTO has failed to identify any teaching in *Andersen* regarding how the access list entries are chosen. For at least this reason, withdrawal of the rejection is respectfully requested.

Second, claim 1 recites that the steps are “carried out by the first host” which the PTO has failed to identify in *Andersen*. Specifically, *Andersen* appears to recite that the steps, asserted by the PTO to correspond to the establishing and storing steps though not agreed to by Applicants, are performed remotely. That is, the establishment of the access list in *Andersen* is performed at the log server 150 by a supervisor, and the log data is stored at the log data store 520 of server 150.

Contrary to the PTO’s assertions otherwise, notably at page 13, lines 10-14 of the Final Official Action (FOA), *Andersen* at column 10, lines 1-56 appears to state that the access list and log data should be maintained remotely from the client systems. The relevant portion of the relied-upon portion of *Andersen*, reproduced herein for ease of reference, states:

In one embodiment, the method and apparatus for remote network access logging and reporting discussed above is implemented as a series of software routines run by a hardware system of FIG. 9. These software routines comprise a plurality or series of instructions to be executed by a processor in a hardware system, such as processor 902 of FIG. 9. Initially, the series of instructions are stored on a storage device, such as mass storage 920. The instructions are copied from storage device 920 into memory 914 and then accessed and executed by processor 902. . . .

It is also to be appreciated that the present invention can be used for the **remote logging** of any of a wide variety of activities which can be engaged in on a client system. For example, a client system 110 of FIG. 1 may be able to receive and display television programming. Thus, the television channel and time and date of viewing could be transferred to the log server as the log data. Additionally, channel description information could also be forwarded, such as selected text from the closed captioning information, or an electronic television guide which could be transferred during the vertical blanking interval, or data from a preview channel.

Thus, the present invention provides a method and apparatus for **remote network access logging and reporting**. A record of log data identifying at least the host systems accessed, as well as possibly additional information, **can be advantageously maintained at a remote location. The remote location can then be accessed by a supervisor at will, yet the data cannot be altered by an individual user because the data is stored remotely.** Furthermore, access to particular host systems can advantageously be prevented based on an access list which is obtained from a **remote** location at the time the present invention begins running. Thus, the access list is maintained remotely, thereby inhibiting an individual who may attempt to alter the list.

*Andersen* at column 10, lines 1-56 (emphasis added)

Based on the foregoing, *Andersen* appears to disclose remote maintenance of the access list and log data contrary to the recitation of claim 1. For at least this reason, withdrawal of the rejection is respectfully requested.

Third, the PTO is requested to clarify with respect to which portion of *Andersen* the PTO believes the “record” of the claimed “establishing a record” corresponds. The FOA appears to refer to two differing items of *Andersen*, i.e., the access list or the log data. For example, the PTO refers to Fig. 3 (which includes both the access list and log data), Fig. 5, item 512 (which is the “log data storage process” which suggests reliance on the log data), column 5, lines 19-23 (which describes log data), and column 6, lines 56-59 (which describes the access list). The PTO is requested to clarify which item of *Andersen* is believed to correspond to the claimed “record.” For at least this reason, withdrawal of the rejection is respectfully requested.

The PTO admits that *Andersen* does not disclose a method of monitoring propagation of viruses within a network of hosts comprises storing in a buffer data relating to requests

which identify a destination host not in the record as claimed in claim 1. The PTO attempts to rely on *Shipp* to cure the deficiencies of *Andersen*. However, this is believed to be incorrect.

Fourth, *Andersen* already includes storage, i.e., log data store 520, for storing data about requests and the PTO has failed to identify why a person of ordinary skill in that art would have modified *Andersen* to include a temporary store as in *Shipp*.

Fifth, in *Andersen* (as relied on by the PTO, specifically the non-blocking Fig. 3 embodiment of *Andersen*) there is no blocking and thus no need to temporarily store anything for later retrieval as asserted by the PTO. That is, the PTO has failed to identify a reason to include the temporary store of *Shipp* in *Andersen* because in the particular embodiment relied on by the PTO there is no storage of blocked emails needed in *Andersen*. For at least this reason, withdrawal of the rejection is respectfully requested.

Based on the foregoing, withdrawal of the rejection is respectfully requested.

Claims 2-6, 8, 9, 14-18, 20, 21, 23, and 42 depend, either directly or indirectly, from claim 1, include further features, and are patentable over *Andersen* in view of *Shipp* for at least the reasons advanced above with respect to claim 1. The rejection of claims 2-82-6, 8, 9, 14-18, 20, 21, 23, and 42 should be withdrawn.

Claim 43 is patentable over *Andersen* in view of *Shipp* for at least reasons similar to those advanced above with respect to claim 1 and withdrawal of the rejection is respectfully requested.

Claim 29 is patentable over *Andersen* in view of *Shipp* for at least reasons similar to those advanced above with respect to claim 1 and withdrawal of the rejection is respectfully requested.

Claims 30-35, 38, and 41 depend, either directly or indirectly, from claim 29, include further features, and are patentable over *Andersen* in view of *Shipp* for at least the reasons advanced above with respect to claim 29. The rejection of claims 30-35, 38, and 41 should be withdrawn.

The rejections of claims 7, 10-13, 24-27, 19, 22, 36, 37, 39, and 40 variously under *Andersen* in view of *Shipp* and further in view of one or more of *Maher, III et al.* (US 7,058,974), *Ramanujan* (US 5,341,491), *Cunningham et al.* (EP 0 986 229), or *Anderson* (US 2002/0013858) are traversed, inter alia, for at least the reasons advanced above with respect to claim 1. The rejections are respectfully requested to be withdrawn in view of the foregoing deficiencies of *Andersen* and *Shipp*.

**CONCLUSION**

Early issuance of a Notice of Allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

**LOWE HAUPTMAN HAM & BERNER, LLP**



Randy A. Noranbrock  
Registration No. 42,940  
Telephone: 703-684-1111

**HEWLETT-PACKARD COMPANY**

Intellectual Property Administration

P.O. Box 272400

Fort Collins, CO 80527-2400

Facsimile: 970-898-0640

**June 17, 2008**

RAN/bjs